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Gordon Good

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EXAMINER

CALLAHAN, PAUL E

ART UNIT

PAPER NUMBER

2437

NOTIFICATION DATE

DELIVERY MODE

05/18/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 09/852,244	<b>Applicant(s)</b> GOOD, GORDON	
	<b>Examiner</b> PAUL CALLAHAN	<b>Art Unit</b> 2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16, 17, 20-22, 24-31 and 33-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16, 17, 20-22, 24-31, 33-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-13, 16, 17, 20-22, 24-31, and 33-42 are pending and have been examined.

2. In view of the arguments presented in the Appeal Brief filed on 12-08-2009, **PROSECUTION IS HEREBY REOPENED.** New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2437

### **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

4. Claims 1, 2, 4-6, 8, 10-12, 39 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Bonn et al., US 6,738,908. Bonn teaches:

As for claim 1, a method for automatically provisioning a plurality of computing devices in accordance with established policies (abstract, col. 2 lines 16-24), the method comprising the steps of: creating a plurality of templates reflecting said policies (col. 4 lines 6-51), expanding at least one template at a central location to create a document comprising expanded information (col. 4 lines 6-51, col. 6 lines 30-53), and sending from the central location the expanded document comprising the expanded information to said plurality of computing devices (col. 6 lines 30-53),

As for claim 2, Bonn teaches interpreting the expanded information by agents which are respectively resident on each of said plurality of computing devices (col.9 line 33-35: NSD's implement the new security policies).

As for claims 4 and 10, Bonn teaches the limitations of claims 3 and 9 from which claims 4 and 10 depend respectively, and further wherein the plurality of templates includes a first category of templates that reflect policies applicable to all of the plurality of computing devices (col. 8 lines 1-34).

As for claims 5 and 11, Bonn teaches the limitations of claims 4 and 10 from which claims 5 and 11 depend respectively, and further wherein the plurality of templates includes a second category of templates that reflect policies applicable to only a subset of the plurality of computing devices (col. 8 lines 42-54).

As for claims 6 and 12, Bonn teaches the limitations of claims 4 and 10 from which claims 6 and 12 depend respectively, and further wherein the plurality of templates includes another category of templates that reflect policies only applicable to a particular type of the plurality of computing devices (col.8 lines 42-54).

As for claim 8, a system for automatically provisioning a plurality of computing devices in accordance with established policies, the system comprising: a database

Art Unit: 2437

system which stores a plurality of templates which reflect said policies (col. 6 lines 20-25), a plurality of agents which are respectively resident on each of said plurality of computing devices (col.9 line 33-35: NSD's implement the new security policies), and which communicate with said database system to obtain information with regard to provisioning and maintenance of the respective computing devices (col.9 line 33-35: NSD's implement the new security policies), and a communications gateway through which communication messages are exchanged between said agents and said database system (col. 5 lines 55-60: Policy manager), wherein said communications gateway is configured to: retrieve the individual ones of the plurality of templates (col. 8 lines 38-54), expand the plurality of retrieved templates to create respective documents containing combined template information and expanded information (col. 8 lines 38-54), and provided the documents containing the combined template information and expanded information to said plurality of agents (col. 8 lines 38-54),

As for claims 39 and 41, Bonn teaches the limitations of claims 1 and 8 from which claims 39 and 41 depend respectively, and further wherein at least one template includes a reference to information external to the template (col. 4 line 64 through col. 5 line 6), and wherein said communication gateway expands the template by creating a document that includes information contained in the template and said external information (col. 8 lines 38-54).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 7, 9, 13, 16, 17, 20-22, 24-31, and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonn et al., and Rothermel US 6,678,827.

As for claims 3 and 9, Bonn teaches the limitations of claims 1 and 8 from which claims 3 and 9 depend respectively, but not further wherein the structure of said plurality of templates includes conditional statements that determine whether a template is to be expanded with predetermined information on the basis of the computing device to which the expanded information is being provided. However Rothermel does teach this feature (col. 10 lines 25-35, fig. 3B, fig. 8). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these steps into the method of Bonn. It would have been desirable to do so since such a template field would allow an administrator to configure a network security policy template more quickly.

As for claims 7 and 13, Bonn teaches the limitations of claims 1 and 8 from which claims 7 and 13 depend respectively, but not further wherein said policies are security policies regarding user access to each of the plurality of computing devices. However Rothermel does teach these steps (col. 11 lines 1-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these steps into the method of Bonn. It would have been desirable to do so since this would increase the range of security rules available to an administrator for configuration and hence increase the utility of the method of Bonn.

As for claims 16 and 20, Bonn teaches the limitations of claim 39 and 41 from which claims 16 and 20 depend respectively, but not further wherein said external information comprises a list of users. However Rothermel does teach this feature (col. 11 lines 18-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these steps into the method of Bonn. It would have been desirable to do so since this would increase the range of security rules available to an administrator for configuration and hence increase the utility of the method of Bonn.

As for claims 17 and 21, The combination of Bonn and Rothermel teaches the limitations of claims 9 and 3 respectively. Bonn fails to teach the additional feature wherein said communications gateway expands a template to include information contained in a conditional statement only if the computing device to which said



Art Unit: 2437

expanded information is to be provided meets the condition. However, Rothermel does teach this feature (col. 11 lines 35-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these steps into the method of Bonn. It would have been desirable to do so since this would allow an administrator to expand a template automatically in cases where statements apply to a particular network device and hence increase the efficiency of the system.

As for claim 22, Bonn teaches a method of controlling user access to networked computing devices (abstract, col. 1 lines 63-67), comprising the steps of: storing a plurality of templates that identify user-access policies for respective ones of said devices (col. 4 lines 38-51), at least one of said templates including a reference to information that is external to the template (col. 4 line 64 through col. 5 line 6); retrieving a template that pertains to a given one of said devices (col. 9 line 10-20), and sending said document from said central location to the given one of said devices after expansion (col. 9 lines 30-33). Bonn fails to explicitly teach the steps of expanding the template by creating a document at a central location comprising a listing of users identified in said template and users identified by any externally referenced information. However, Rothermel does teach these features (col. 11 lines 18-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these steps into the method of Bonn. It would have been desirable to do so since this would increase the range of security rules available to an administrator for configuration and hence increase the utility of the method of Bonn.

As for claim 24, the combination of Bonn and Rothermel teach all of the limitations of claim 22 upon which claim 24 depends. Bonn fails to teach the additional feature wherein said external information comprises a list of users. However Rothermel does teach this feature (col. 11 lines 18-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these steps into the method of Bonn. It would have been desirable to do so since this would increase the range of security rules available to an administrator for configuration and hence increase the utility of the method of Bonn.

As for claim 25, The combination of Bonn and Rothermel teaches all of the features of claim 24 upon which claim 25 depends. Bonn fails to teach the additional features wherein all of the users on said list perform a specified role relative to said computing devices. However Rothermel does teach this feature (col. 11 lines 20-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these steps into the method of Bonn. It would have been desirable to do so since this would increase the range of security rules available to an administrator for configuration and hence increase the utility of the method of Bonn.

As for claim 26, the combination of Bonn and Rothermel teaches the limitations of claim 25 from which claim 26 depends. Bonn fails to teach the additional features wherein at least one of the templates includes a conditional statement, and the step of

Art Unit: 2437

creating a document comprises including information from said conditional statement in said document only if said given device meets the condition. However, Rothermel does teach these features (col. 10 lines 25-35, fig. 3B, fig. 8). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these steps into the method of Bonn. It would have been desirable to do so since such a template field would allow an administrator to configure a network security policy template more quickly.

As for claims 27 and 33, Bonn teaches the methods of claim 22 and 31 from which claims 27 and 33 are dependent respectively, and further wherein the plurality of templates includes a first category of templates that reflect policies applicable to all of the plurality of computing devices (col. 8 lines 1-34) and further wherein the plurality of templates includes a second category of templates that reflect policies applicable to only a subset of the plurality of computing devices (col. 8 lines 42-54).

As for claims 28 and 34, Bonn teaches the method of claims 27 and 33 from which claims 28 and 34 are dependent respectively, and further wherein a template in the second category inherits policies contained in a template of said first category (col. 8 lines 42-54).

As for claims 29 and 35, Bonn teaches the method of claims 28 and 34 from which claims 29 and 35 are dependent respectively, and further wherein said inheritance can be selectively disabled (col. 9 lines 1-20).

As for claims 30 and 36, Bonn teaches the method of claims 28 and 34 from which claims 30 and 36 are dependent respectively, and further including a third category of templates that pertain to specific devices and inherit policies from templates in said second category (col. 9 lines 34-39).

As for claim 31, Bonn teaches a method for controlling user access to networked computing devices (abstract, col. 1 lines 63-67), comprising the steps of: storing a plurality of templates that identify user-access policies for respective ones of said devices (col. 4 lines 38-51), retrieving a template that pertains to a given one of said devices (col. 8 lines 38-67), creating a document at a central location and sending said document from said central location to the given one of said devices (col. 9 lines 30-35). Rothermel teaches the additional limitations that Bonn fails to teach, namely: wherein at least one of said templates includes a conditional statement (col. 10 lines 25-35, fig. 3B, fig. 8), wherein the document comprises a listing of users identified in said template (col. 11 lines 18-45) and users identified in any conditional statement if said given device meets the condition (col. 11 lines 18-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these steps into the method of Bonn. It would have been desirable to do so since this would

Art Unit: 2437

increase the range of security rules available to an administrator for configuration and hence increase the utility of the method of Bonn.

7. Claims 37, 38, 40, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonn and Rothermel, and further in view of Teng et al., US 7,380,008.

The combination of Bonn and Rothermel fails to teach the feature wherein the document is an XML document. However, Teng does teach such an XML document where an XML template is expanded at a central location by a server and where the document includes references to information external to the template (fig. 39, col. 47 line 28 through col. 49 line 34). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this feature into the system of Bonn and Rothermel. It would have been obvious to do so since this would allow for the use of XML documents compatible with common platforms such as JAVA and allow greater portability of the system.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

Art Unit: 2437

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/PEC/  
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/Emmanuel L. Moise/

Supervisory Patent Examiner, Art Unit 2437